

REMARKS

Claims 2-6 (as amended) are pending. Claim 1 had been cancelled without prejudice. Support for amending claim 2 into independent form is found in original claim 1 as well as in the specification at page 4, lines 16-25, *et seq.* ("A mobile terminal according to the invention is characterized by comprising a first antenna as a[n] omnidirectional antenna, a second antenna as a directional antenna, and a switching unit for switching over the receiving antenna. With this architecture, on the mobile terminal with its installing position . . . , the switching unit can switch over the receiving antenna. And hence the mobile terminal can receive radio waves in a preferable state." (Emphasis added.)) In view of the above, amending claim 2 as recited in the **Listing of the Claims** section of this paper does not introduce new matter.

Furthermore, claims 3 and 5 have been amended to depend from claim 2 rather than from cancelled claim 1. Dependent claims 3-6 have been further amended into proper dependent form to recite "The" instead of "A" at the beginning of each such claim. Again, no new matter has been introduced.

Rejection under 35 U.S.C. § 112

Claim 2 has been rejected for reciting "the securing side" for the reasons noted at page 2 of the Office Action. In response, claim 2 has been amended to recite "a securing side". Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. § 112.

Objection to claim 3

Claim 3 has been objected to for the reasons noted at page 2 of the Office Action. In response, the second occurrence of "the first box body" has been amended to recite "the second box body". Therefore, Applicant respectfully requests reconsideration and withdrawal of the objection to claim 3.

Objection to specification

The specification has been objected to for the reasons noted at page 2 of the Office Action relating to the priority claim. In response, Applicant has amended the specification at

page 1 to recite the correct priority under 35 U.S.C. § 119. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the objection to the specification.

Claim Rejection under 35 U.S.C. § 102(b) (first)

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,146,231 to Ghaem et al., (hereinafter "Ghaem".)

To expedite prosecution, Applicant has cancelled claim 1.

In view of the foregoing cancellation of claim 1, the rejection to claim 1 under 35 U.S.C. § 102(b) as being anticipated by Ghaem is now moot.

Therefore, Applicant respectfully requests withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b) over Ghaem.

Claim Rejection under 35 U.S.C. § 102(b) (second)

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,649,306 to Vannatta et al., (hereinafter "Vannatta".)

To expedite prosecution, Applicant has cancelled claim 1. Furthermore, Applicant has (as noted) amended claim 2 into independent form. With regard to the feature(s) of claim 2, the Office Action asserts (at page 3, lines 12-19, under paragraph no. 7) that claim 1 of Vannatta discloses the feature of the location of the first and second antennas recited Applicant's rejected claim 2. The Office Action directs the Applicant to claim 1 of Vannatta (at col. 7, line 48 to col. 8, line 9 thereof). However, upon review of claim 1 of Vannatta, Applicant can find no disclosure where the location of the first antenna (omnidirectional antenna) and the second antenna (directional antenna) as recited in Applicant's rejected claim 2 is disclosed in claim 1 of Vannatta.

Because an anticipation rejection (*i.e.*, lack of novelty) requires that each element of the rejected claim be disclosed in the single applied reference, and because the Office Action fails to indicate where Vannatta purportedly discloses each such feature, Applicant respectfully submits that claims 2-4 are novel over the disclosure of the Vannatta reference, noting that claims 3-4 ultimately depend from claim 2.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2-4 under 35 U.S.C. § 102(b) as being anticipated by Vannatta.

Claim Rejection under 35 U.S.C. § 102(b) (third)

Claims 1, 5 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,940,040 to Koyanagi et al., (hereinafter "Koyanagi").

To expedite prosecution, Applicant has cancelled claim 1 and amended claims 5 and 6 to ultimately depend from amended independent base claim 2. Because Koyanagi fails to disclose or teach the location of the first antenna (omnidirectional antenna) and the second antenna (directional antenna) as recited in base claim 2 (as amended), Applicant respectfully submits that claims 5 and 6 (ultimately depending from base claim 2) are patentably distinguished over Koyanagi.

Because an anticipation rejection (*i.e.*, lack of novelty) requires that each element of the rejected claims be disclosed in the single applied reference, and because the Office Action fails to indicate where Koyanagi purportedly discloses each such feature, Applicant respectfully submits that claims 5 and 6 (incorporating the feature(s) of claim 2) are novel over the Koyanagi reference.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 5 and 6 as being anticipated under 35 U.S.C. § 102(b) over Koyanagi.

Claim Rejection under 35 U.S.C. § 102(b) (fourth)

Claims 1, 5 and 6 are also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,991,643 to Chao-Cheng, (hereinafter "Chao-Cheng").

To expedite prosecution, Applicant has cancelled claim 1 and amended claims 5 and 6 to ultimately depend from amended independent base claim 2. Because Chao-Cheng fails to disclose or teach the location of the first antenna (omnidirectional antenna) and the second antenna (directional antenna) as recited in base claim 2 (as amended), Applicant respectfully submits that claims 5 and 6 (ultimately depending from base claim 2) are patentably distinguished over Chao-Cheng.

Because an anticipation rejection (*i.e.*, lack of novelty) requires that each element of the rejected claims be disclosed in the single applied reference, and because the Office Action fails to indicate where Chao-Cheng purportedly discloses each such feature, Applicant respectfully submits that claims 5 and 6 (incorporating the feature(s) of claim 2) are novel over the Chao-Cheng reference.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 5 and 6 as being anticipated under 35 U.S.C. § 102(b) over Chao-Cheng.

Conclusion

In view of the foregoing, the Applicant respectfully submits that the application is in condition for allowance. A notice to that effect is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned at the number indicated.

No fees are believed to be due. However, if any fees are required or an overpayment of fees made, please debit or credit our Deposit Account No. 19-3935, as needed.

Respectfully submitted,

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Attachments:

- (1) Fee transmittal
- (2) Check for \$450